

PATRICK K. MCKENNA
Director

PAMELA J. HARLAN
Secretary to Commission

RICH TIEMEYER
Chief Counsel



Chief Counsel's Office
105 West Capitol Avenue
P.O. Box 270
Jefferson City, MO 65102
(573) 751-7454
Fax (573) 526-4408

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Small Business Regulatory Fairness Board Small Business Impact Statement

Date: October 17, 2016

Rule Number: 7 CSR 60-2.040 Responsibilities of Authorized Service Providers

Name of Agency Preparing Statement: Missouri Highways and Transportation Commission
Traffic and Highway Safety Division

Name of Person Preparing Statement: Bill Whitfield
Highway Safety Director

Phone Number: (573) 751-5417 **Email:** William.whitfield@modot.mo.gov

Name of Person Approving Statement: Bryce Gamblin
Senior Administrative Counsel

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

The proposed amendment will go into effect on May 30, 2017 and requires that mobile service centers be a part of a service center which has a fixed location within Missouri and shall comply with all the certification requirements as fixed locations, including operating with a 100 air-mile radius of the fixed location.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The Missouri Department of Transportation consulted with other states that define mobile service centers. In addition, the proposed rules were sent via email to each of the manufacturers for review as well as the Department of Revenue and the Missouri Safety Center.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

No additional costs will be incurred by MoDOT or other agencies affected. The proposed rule allows for more consistency between manufacturers in how they provide services to those who utilize ignition interlocks. In addition, the proposed changes also ensure integrity in the program.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Ignition interlock manufacturers will be required to comply with the administrative rules that set forth the approval procedures for the breath alcohol ignition interlock program. Those businesses will be adversely affected if they are not following the requirements outlined and will no longer be allowed to install devices that do not meet the requirements.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

The fiscal impact to ignition interlock manufacturers, distributors, and installers is unknown and will vary by manufacturer. It is impossible to predict if they will be able to meet the requirements and the number of new installations that this proposed amendment will impact. It is also difficult to determine the number of devices that will need to be switched to another device after the rule goes into effect. Many of the manufacturers, distributors and installation sites may be able to provide the services required under the rule.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Ignition interlock manufacturers, installers and service centers could be impacted by the proposed rule in an adverse manner.

State and local officials as well as the offender could benefit from the proposed rule. In addition, the public could benefit from improved public safety. It is difficult to monitor or inspect mobile installation sites or service centers. The proposed rule will increase oversight of those mobile sites.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes X No

If yes, please explain the reason for imposing a more stringent standard.

The Department of Transportation, through contract with the Missouri Safety Center, conducts field inspections of installation sites and service centers to determine compliance of the administrative rules. It is difficult to monitor mobile installation sites and service centers. Some of the addresses that we have been provided in the past have been vacant lots, apartments or even motels. There is concern for public safety as well as accuracy of the information provided to us. By limiting the radius mobile sites can operate, and requiring those sites to be a part of a fixed location, there will be a higher level of accountability while continuing to allow for mobile service.

No other standards exist with the state or county. Federal guidelines do not address this type of issue. However, other states have similar standards for their ignition interlock programs.